

# FDA: Stop Selling Nicotine Liquid In Juice Boxes And Whipped Cream Canisters

By ACSH Staff — May 1, 2018

*The FDA is going after the most egregious violators of common sense: those who are clearly targeting children. To name and shame the bad actors who are doing a great harm to legitimate smoking cessation efforts, we offer them up here. Take a look; it's truly shameful.*



After cracking down on deceptive marketing by some nicotine liquid companies [last week](#) <sup>[1]</sup>, the FDA has gone after the most egregious violators of common sense, who are clearly targeting children. To name and shame the bad actors who are doing a great harm to legitimate harm reduction and smoking cessation efforts, they are listed below. One snippet of a warning letter is also included below.

## **Candy King Batch/Candy King Sour Worms**

- [Drip More, LLC](#) <sup>[2]</sup>
- [On Cloud Vape](#) <sup>[3]</sup>

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## V'Nilla Cookies & Milk

- [Tinted Brew, Inc.](#) [4]
- [Fog It Up](#) [5]

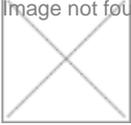
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## Patches by Candy Co.

- [ACH Group, LLC d/b/a Candy Co E-Liquids](#) [6]

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## Pink Sticks

- [7 Daze, LLC](#) [7]
- [Sugoi LLC d/b/a Sugoi Vapor](#) [8]

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## One Mad Hit Juice Box



Organization: [NEwhere Inc. d/b/a Mad Hatter Juice](#) [9]

### FDA letter:

Ali Esmaili and Jameson Rodgers

NEwhere Inc. d/b/a Mad Hatter Juice

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[ali@newhere.com](mailto:ali@newhere.com) [11]

## **WARNING LETTER**

Dear Ali Esmaili and Jameson Rodgers:

This is to advise you that the Center for Tobacco Products of the U.S. Food and Drug Administration (FDA) and the U.S. Federal Trade Commission (FTC) recently reviewed the website <http://www.madhatterjuice.com> [13] from which you take orders for the One Mad Hit Juice Box e-liquid product. FDA has determined that the e-liquid products listed there are manufactured and offered for sale or distribution to customers in the United States. Under section 201(rr) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. § 321(rr)), as amended by the Family Smoking Prevention and Tobacco Control Act, these products are tobacco products because they are made or derived from tobacco and intended for human consumption. Certain tobacco products, including e-liquids, are subject to FDA jurisdiction under section 901(b) of the FD&C Act (21 U.S.C. § 387a(b)). In addition, the FTC has reviewed your marketing for One Mad Hit Juice Box e-liquid under Section 5 of the FTC Act, 15 U.S.C. § 45(a).

### **FD&C Act Misbranding Violation**

FDA has determined that your One Mad Hit Juice Box e-liquid is misbranded under section 903(a)(1) of the FD&C Act (21 U.S.C. § 387c(a)(1)) and/or section 903(a)(7)(A) of the FD&C Act (21 U.S.C. § 387c(a)(7)(A)) because its labeling and/or advertising is false or misleading.

FDA's investigation of the website <http://www.madhatterjuice.com> [13] revealed that it sells or distributes One Mad Hit Juice Box e-liquid with labeling and/or advertising that causes it to imitate a food or beverage, particularly one that is marketed toward, and/or appealing to, children (see Exhibit A). Specifically, the labeling and/or advertising of the product looks very similar to the labeling and/or advertising for juice boxes that are commonly marketed toward children (see Exhibit B). For example, the labeling and/or advertising for One Mad Hit Juice Box e-liquid includes statements and representations, such as "Juice Box," "juicy apple juice," "A Juicebox a Day Keeps the Doctor Away," "Serving Size 1 bottle," and "real red apples," as well as a label on the back that is substantially similar to a food Nutrition Facts label. In addition, the labeling and/or advertising of One Mad Hit Juice Box e-liquid includes: the appearance of folded over and sealed top corners of the product's packaging that is substantially similar to the aseptic, shelf-stable packages in which juice boxes are sold; an image of a straw wrapped in clear plastic affixed to the side of the packaging; images of apples and apple trees; and a color scheme that is substantially similar to the juice boxes in Exhibit B. Further, One Mad Hit Juice Box e-liquid has a strong scent like apple juice. This labeling and/or advertising causes the product to imitate a food or beverage, particularly one that is marketed toward, and/or appealing to, children and is therefore misleading.

### **Whip'd Strawberry**

- [Cosmic Fog Vapors d/b/a Next Day Vapor Products](#) [14]
- [Elite Vaporworks](#) [15]

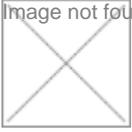
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## Twirly Pop

- [Omnia E-Liquid](#) [16]

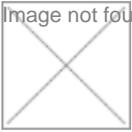
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## Vape Heads Sour Smurf Sauce

- [Warrender Enterprise Inc. d/b/a Lifted Liquids and E-Liquid Retail](#) [17]
- [Ultimate Vape Deals](#) [18]

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### Links

[1] <https://www.acsh.org/news/2018/04/24/fda-hammers-groups-selling-vaping-tools-kids-12875>

[2] <https://www.fda.gov/ICECI/EnforcementActions/WarningLetters/ucm605938.htm>

[3] <https://www.fda.gov/ICECI/EnforcementActions/WarningLetters/ucm605827.htm>

[4] <https://www.fda.gov/ICECI/EnforcementActions/WarningLetters/ucm605902.htm>

[5] <https://www.fda.gov/ICECI/EnforcementActions/WarningLetters/ucm605897.htm>

[6] <https://www.fda.gov/ICECI/EnforcementActions/WarningLetters/ucm605819.htm>

[7] <https://www.fda.gov/ICECI/EnforcementActions/WarningLetters/ucm605933.htm>

[8] <https://www.fda.gov/ICECI/EnforcementActions/WarningLetters/ucm605397.htm>

[9] <https://www.fda.gov/ICECI/EnforcementActions/WarningLetters/ucm605900.htm>

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[11] <mailto:ali@newhere.com>

[12] <mailto:jameson@newhere.com>

[13] <http://www.madhatterjuice.com>

[14] <https://www.fda.gov/ICECI/EnforcementActions/WarningLetters/ucm605930.htm>

[15] <https://www.fda.gov/ICECI/EnforcementActions/WarningLetters/ucm605899.htm>

[16] <https://www.fda.gov/ICECI/EnforcementActions/WarningLetters/ucm605893.htm>

[17] <https://www.fda.gov/ICECI/EnforcementActions/WarningLetters/ucm605911.htm>

[18] <https://www.fda.gov/ICECI/EnforcementActions/WarningLetters/ucm605895.htm>